



CHICAGO DEPARTMENT OF TRANSPORTATION
CITY OF CHICAGO

May 8, 2012

National Nurses United
c/o Jennifer Halpern
2000 Franklin Street
Oakland, California 94612

Dear Ms. Halpern:

This letter is to advise you that Parade Permit #251863556, issued on February 7, 2012, to your organization for an event on May 18, 2012, is hereby modified to accommodate changes to your event, including a performance by a nationally-known musician and a significantly increased number of expected participants. Accordingly, the City authorizes the following parade under Section 10-8-330(k) of the Municipal Code of Chicago.

Date: May 18, 2012

Assembly Time: 10:00 a.m.

Step-off time: 11:00 a.m.

Disband time: 1:00 p.m.

Assembly Area: Park Place, between Illinois Street and Upper North Water Street

Disbanding area: Petrillo Band Shell/Butler Field located at 300 East Monroe Street (Chicago Park District Property)

Route: Proceed west and north on Cityfront Plaza Drive to Illinois Street; proceed west on Illinois Street to Michigan Avenue; proceed south on Michigan Avenue in the southbound traffic lanes to Monroe Drive; proceed east on Monroe Drive in the eastbound traffic lanes to Butler Field at 300 East Monroe Street.

The alternate route above authorizes a parade on the same date and at the same time as your original permit, but with a revised route and disbanding area to accommodate changes to your event, including a performance by a nationally-known musician and a significantly increased number of expected attendees. The alternate route and disbanding area will ensure the safety of participants, both during the parade and after at the disbanding area. Specifically, the Commissioner's decision is based on a number of factors, including, but not limited to, the following:

Under Section 10-8-330(e)(2) of the Municipal Code, "As a condition of the permit, the permit holder shall keep all information current. Any change in required information shall be reported to the commissioner immediately." Your organization has failed to comply with this requirement to report a change in the number of persons expected to participate in the activity applied for. The revised parade permit application submitted by your organization on January

20, 2012, stated that the approximate number of persons to participate in the parade was "1000+/-" and that this number was based on "[a]ttendees invited." The City has recently learned that your organization has been actively recruiting additional persons and groups outside of your organization to participate in the parade, and that the number of persons reasonably expected to participate in this event is now significantly more than 1000. Specifically, handbills were placed on CTA trains by National Nurses United advertising your May 18, 2012, event and asking recipients to "[j]oin a growing number of local, national, and international organizations" in an 11:00 a.m. march and a 12:15 p.m. rally "featuring Tom Morello of Rage Against the Machine" at the Daley Plaza. This handbill also listed 38 other organizations who have "endorsed" your event "to date." In addition, the President of the American Federation of Labor and Congress of Industrial Organizations sent a memorandum on April 16, 2012, to all "National and International Union Presidents" requesting their support for your May 18, 2012, event. This memorandum noted that "[t]he AFL-CIO, together with several of our international partners, including the International Trade Union Confederation, Public Services International, the International Metalworkers' Federation, the International Transport Workers' Federation, and the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations, as well as numerous U.S. community organizations and Occupy Chicago, is supporting this action" and asked recipients to "add your union's name to the list of endorsers of this important action and encourage your members to attend." The memorandum directed recipients to contact National Nurses United for more information.

In addition, National Nurses United has advertised the May 18, 2012, event on its website and on Facebook, noting that "[m]ore than 65 U.S. and international environmental, health, labor, faith, anti-poverty, and other organizations have endorsed the May 18th action in Chicago" and stating that "[r]enowned musician Tom Morello, The Nightwatchman, will join the festivities, performing at Daley Plaza." Most recently, the Illinois events page of the National Nurses United website features the headline "Tom Morello to perform in CHICAGO: MAY 18" and indicates that the nurses' march is "[e]ndorsed by over 85 environmental, labor and health groups who are participating." National Nurses United's website announcement of this event has, in turn, been reported by and linked to other locally and nationally oriented websites announcing upcoming protests, thereby increasing the likely size of its audience significantly. According to media articles, Tom Morello performed in connection with protests in Madison, Wisconsin, in February 2011, at Monona Terrace Exhibition Hall, and attracted a crowd of 5000 people. Also, on May 1, 2012, Tom Morello performed at a rally of thousands of people in Union Square in New York City.

Your organization's parade is scheduled to take place at mid-day on a Friday and the originally permitted route included travel on streets through the city center to the disbanding location of the Daley Plaza. The addition to your event of a performance by a popular, nationally-known musician who regularly draws large crowds under similar circumstances, along with the active recruitment of other large organizations to join in your event, will likely increase the number of participants in your event far beyond the number estimated on your application. The much larger number of participants now reasonably expected for your event would create significant traffic concerns and a drain on existing resources in light of workday traffic patterns, on-going road construction projects, and other events, including the Crosstown Classic baseball game at Wrigley Field, taking place in the city on that date. These

requirements, coupled with the need to provide protection and services to the rest of the city, will demand large numbers of police and other city resources. Therefore, the significant increase in the number of participants reasonably expected to participate in your parade necessitates a modification of the route to accommodate public safety, traffic flow, and the movement of emergency vehicles.

The Commissioner's decision to deny an application for a parade to be held on May 20, 2012, beginning at the Daley Plaza and to provide an alternate route beginning at Butler Field was recently upheld by the City's Department of Administrative Hearings in *In re the Denial of Parade Permit Application of Coalition Against the NATO/G8 Poverty And War Agenda*, No. 12PA02 (March 29, 2012). In his decision, Administrative Law Judge Raymond J. Prosser found that "the use of Butler Field as the start point of the parade provides significant safety protections for the Applicant's parade participants beyond that available at the Daley Plaza." By modifying the route and disbanding area of your parade, the City seeks to avoid public safety and traffic issues similar to those caused by an impromptu mid-day acoustic solo performance by popular singer John Mellencamp on a weekday in August 2000, which resulted in a large crowd jamming the Daley Plaza and spilling into the surrounding streets, causing the shut-down of Dearborn, Washington, and Clark streets. Judge Prosser also found that 5000 participants is the maximum capacity of the Daley Plaza, and that if that capacity is exceeded, the resulting spilling of participants into the surrounding streets would "further strain police resources to manage traffic, keep emergency access open, and provide security and safety to participants and other citizens in the area."

Based on information indicating that the estimated number of participants in your May 18, 2012, event is far greater than the 1000 stated in your application, and, in all likelihood, will be greater than 5000, which is the maximum capacity of the Daley Plaza, and consistent with the finding in *In re the Denial of Parade Permit Application of Coalition Against the NATO/G8 Poverty And War Agenda*, *supra*, the Commissioner finds: (1) under Section 10-8-330(g)(1) of the Municipal Code of Chicago, the originally permitted route of your parade will substantially or unnecessarily interfere with traffic in the area contiguous to the activity and there are not available at the time of the proposed parade sufficient city resources to mitigate the disruption; (2) under Section 10-8-330(g)(2) of the Municipal Code, there are not available for the originally permitted route of your parade a sufficient number of on-duty police officers or other city employees authorized to regulate traffic to police and protect lawful participants in the parade and non-participants from traffic related hazards in light of the other demands for police protection at the time of the parade; and (3) under Section 10-8-330(g)(3) of the Municipal Code, the concentration of persons, vehicles or things along the originally permitted route and at the originally permitted disbanding area of your parade will prevent proper fire and police protection or ambulance service.

The modified permit set forth above authorizes the use of the public way. The City has also obtained the agreement of the Chicago Park District to provide your group with authorization to use the alternate disbanding area of the Petrillo Bandshell and Butler Field on May 18, 2012, for a rally and musical performance. The Chicago Park District will waive all costs associated with the use of these facilities in light of the First Amendment nature of your activity, and will accept the transfer of the insurance your group has obtained in connection with its anticipated use of the Daley Plaza on May 18, 2012.

If you wish to accept this modified parade permit subject to the above indicated specifications, you must file a written notice of acceptance by Thursday, May 10, 2012, with the Commissioner of the City of Chicago Department of Transportation, Public Way Permit Division, 121 N. La Salle Street, Room 905, Chicago, Illinois 60602, fax number 312-744-4627. Failure to provide such notice within the time noted above will result in the authorization of your parade permit being rescinded.

If you have any questions regarding this letter, you may contact me at 312-744-4652.

Yours truly,

A handwritten signature in black ink that reads "Michael D. Simon". The signature is fluid and cursive, with the first name "Michael" being larger and more prominent than the last name "Simon".

Mike Simon
Assistant Commissioner
Public Way Permit Office
Division of Infrastructure Management

cc:	Cmdr. Martin	R. Guidice
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